



## UNITED STATES PATENT AND TRADEMARK OFFICE

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**JUL 28 2006**

**J C PATENTS, INC.  
4 VENTURE, SUITE 250  
IRVINE, CA 92618**

**Director's Office  
Office of Patent Publication**

In re Application of  
LIN, DAVID, et al.  
Application No. 10/083,851  
Filed: February 25, 2002  
Attorney Docket No. JCLA4539-CA

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### **DECISION ON PETITION**

This is a decision on the Petition To Withdraw Holding of Abandonment Under 37 CFR § 1.181, received in the United States Patent and Trademark Office (USPTO) via facsimile transmission on November 23, 2005, which is being treated under MPEP 711.03(c)II, Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action.

The petition is **GRANTED**.

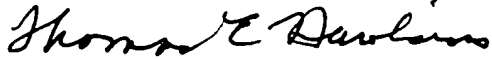
The application was held abandoned for applicants failure to timely file a proper reply to the Office letter — Notice To File Corrected Application Papers (Notice)— mailed on May 5, 2005. The applicant was given 30 days to respond the Notice to avoid abandonment of the patent application. (Not extendable under 37 CFR 1.136). Accordingly, the Notice of Abandonment was mailed on October 7, 2005

Petitioner states in the second paragraph of their petition “...we did receive the Notice To File Corrected Application Papers, but later states “The undersigned hereby states that the Notice To File Corrected Application Papers of May 5, 2005 was not received. Thus the petition argues non-receipt of an Office action.

In absence of any irregularity in the mailing of the Notice, there is a strong presumption that the Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office action must include a statement from the practitioner stating that the practitioner did not receive the Office action, and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record must be attached to and referenced in practitioner's statement. See “Withdrawing the Holding of Abandonment When Office Action Are Not Received” MPEP 711.03(c) II

Petitioner has met the above-stated conditions. Accordingly, the holding of abandonment is hereby withdrawn and the patent application restored to pending status

Petitioner submitted herewith a response to the Notice, which the Office will enter electronically (scan) in the application file. The application will be then forwarded for processing into a patent.



Thomas E. Hawkins  
Paralegal Specialist  
Office of the Director  
Office of Patent Publications